IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 231 of 2004

MOHAMMED IKBAL
V/S
RAMANLAL & ORS

Mr. MS PUROHIT, for the appellant / petitioner

Date of Order : 19.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the record.

The learned trial Court vide order dated 15.3.97 had decided the suit as withdrawn in view of the undertaking given by the defendant. Thereafter, it was, as late as in the year 2003, that the petitioner filed applications purportedly under Section 151, 152, & 153 praying for preparation of decree, and then for deleting the word "प्रत्यावर्द्धन".

It is different story that the word, sought to be deleted, as mentioned in the application, is also not correctly mentioned, however, without standing to ceremonies, it is clear that by the application, t he petitioner simply wants to have the withdrawn suit decreed, which c annot be said to be falling within the scope of Section 151, or 152, or 153 CPC. So far preparation of decree is concerned, when the suit was withdrawn, may be that the Court should have framed decree, but then if it has not been framed, then it cannot be said to be an error, as ma y require correction under Section 151, 152, or 153 CPC.

I thus, do not find any jurisdictional error in the order impugned being dated 20.11.2003, more particularly when, the contention of the d efendant before the trial Court in the reply is that after passing of t he order dated 15.3.97, there had been number of litigations between th e parties during this intervening period. It appears that in order to seek an edgeover the defendant in the other litigations, the subturfuge has been resorted to by filing the present applications.

The revision petition thus, has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

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